

MINUTES FOR THE BOARD OF ADJUSTMENT MEETING

December 14, 2012

- I. **ATTENDANCE** - The Chair called the meeting to order at 1:02 p.m. in the Council Chambers, 200 East Main Street, December 14, 2012. Members present were Vice-Chair Kathryn Moore, James Griggs, Thomas Glover, Janice Meyer and Barry Stumbo. Member Noel White was absent. Others present were Jim Gallimore, Division of Traffic Engineering; Chuck Saylor, Division of Engineering; Jim Marx, Zoning Enforcement; and Tracy Jones, Department of Law. Staff members in attendance were Jimmy Emmons, Bill Saltee and Wanda Howard.
- II. **APPROVAL OF MINUTES** - The Chair announced that there were no minutes of previous meetings to be considered at this time.
- III. **PUBLIC HEARING ON ZONING APPEALS**
 - A. **Swearing of Witnesses** – Vice-Chair Moore asked those wishing to testify at today's hearing to stand at this time. She then administered the oath to members of the audience wishing to testify at this meeting.
 - B. **Sounding the Agenda** - In order to expedite completion of agenda items, the Chair will sound the agenda in regard to any postponements, withdrawals, and items requiring no discussion.
 1. **Postponement or Withdrawal of any Scheduled Business Item** - The Chair will announce that any person having an appeal or other business before the Board may request postponement or withdrawal of such at this time.

There were no items requested for postponement.
 2. **No Discussion Items** - The Chair will ask if there are any other agenda items where no discussion is needed...that is, (a) The staff has recommended approval of the appeal and related plan(s), (b) The appellant concurs with the staff's recommendations. Appellant waives oral presentation, but may submit written evidence for the record, (c) No one present objects to the Board acting on the matter at this time without further discussion. For any such item, the Board will proceed to take action.

Mr. Emmons stated that signs were posted for each request on today's agenda for Conditional Use Permits. He also said that notices were mailed to nearby Neighborhood Associations on these items, as well.
 - C. **Transcript or Witnesses** - The Chair will announce that any applicant or objector to any appeal before the Board is entitled to have a transcript of the meeting prepared at his expense and to have witnesses sworn.
 - D. **Variance Appeals** - As required by KRS 100.243, in the consideration of variance appeals before the granting or denying of any variance the Board must find:

That the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- (b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
- (c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

1. **V-2012-85: ALT 32 ARCHITECTURE/DESIGN** – appeals for a variance to increase the maximum allowable height for a single-family residence from 35 feet to 65 feet in the Agricultural Rural (A-R) zone, at 5898 & 6174 Jacks Creek Pike. (Council District 12)

The Staff Recommends: Approval, for the following reasons:

- a. Granting the proposed variance will not adversely affect the public health safety or welfare, nor will it cause a hazard or nuisance to the public, as the residence will be situated more than 1,500' away from the public highway, and since only two properties overlook the subject site. The house will be deliberately concealed within the existing tree line to further reduce any impact.
- b. Granting this request will not result in an unreasonable circumvention of the Zoning Ordinance, as barns, silos, and all agricultural structures are already permitted in the A-R zone to be taller than 35' without the need for any permits.
- c. The proposed home will be sited at one of the highest elevations on the subject farm that will be bordered by the existing tree stand, yet provide an opportunity for the owner to view and monitor activities in their adjacent meadows and pastures. The combination of these three features on the subject property, given the farm's location so close to the Kentucky River, are a unique set of circumstances on this property not ordinarily found in the general vicinity or in the larger areas of A-R zoning.
- d. Strict application of the Zoning Ordinance would deprive the new owner of an architecturally "significant house designed in the traditional classic style, seen in many of Lexington's finest farms." In addition, such a strict application "would compromise both the design aesthetic and the surrounding landscape."
- e. The circumstances of the variance are not the result of any recent actions of the new owners, but are more a result of the unique combination of land features in this area near the Kentucky River, combined with the agricultural operations proposed on this farm, and the unique architecture desired by the new farm owners.

This recommendation of approval is made subject to the following conditions:

1. The property shall be developed according to the submitted application and site plan.
2. The applicant shall obtain all applicable permits, including a Building Permit and a Certificate of Occupancy for the new dwelling from the Division of Building Inspection, and approval by the Fayette County Board of Health for all required septic facilities.
3. Prior to the issuance of a Zoning Compliance Permit, the applicant or property owner shall either clarify the use of the cabin to ensure it does not meet the definition of a single family dwelling, or alter the existing property line between these two tracts to ensure the new home and the cabin are not on the same lot.

Representation – Mr. Matthew Brooks, Alt 32 Design Architecture, was present on behalf of the appellant. Vice-Chair Moore asked if Mr. Brooks had read the staff report, and if he had any questions about it. Mr. Brooks replied that he had, and that he had no questions. Vice-Chair Moore asked if the appellant would agree to abide by the three conditions recommended by the staff for this variance. Mr. Brooks replied affirmatively.

Discussion – Mr. Griggs asked the staff if the notification for this appeal was made to the Board overseeing the Raven Run Nature Sanctuary, or to the Friends of Raven Run (their fund-raising arm) or if they were otherwise informed of this application. Mr. Sallee replied that he believed that they had been informed of this request, but that there had been no mailed notification to either entity. He said that the mailed notice letter was sent to the PVA owner of record, which was probably to one of the arms of the Urban County Government.

Mr. Jerry Hancock, Director of the Urban County Government's Division of Parks & Recreation, asked to reply to Mr. Griggs' question. He said that they had notified both of those groups, and that the Friends of Raven Run had no objection to this request, and had so informed the Division of Parks & Recreation. He said that the Raven Run Advisory Board had also been notified by the Division of Parks & Recreation. Their notification indicated that their division had spoken with the appellants about light spillage, and they had asked the Board members to reply to Parks & Recreation if they had any issue with that potential problem, as the light from the proposed home would possibly be able to be seen from Raven Run, during the "non-leaf season." He said that there are some star-gazing activities conducted on occasion at Raven Run. The Advisory Board had not yet responded to Parks & Recreation.

Mr. Hancock said that the Division of Parks & Recreation had no objection to the variance application, and it was his understanding that the appellant had actually lowered the proposed height of the new residence on the adjoining farm. He said that he did not believe either group opposed the variance.

Mr. Griggs asked if the variance request had been altered to lower the degree of the height variance. Mr. Brooks replied that the project is in its early phase of design, and it is still in flux. He said that, as of a month ago when the variance application was made, the design has changed; but they were still not sure of the exact height of the proposed dwelling. He said that some of the lights on the accessory dwellings on the farm have been removed, so that had somewhat addressed the light spillage issue that had recently surfaced.

Mr. Griggs said that there are astronomy programs held on Raven Run, which happens to be at the highest point on the property. His concern is that the new house is also proposed at the highest point on the adjoining farm, and it would tower above the trees that separate the two properties. It would be above the trees during all times of the year, not just during the winter. Mr. Hancock replied that the windows would be modest compared to that experienced from the City of Richmond during football season, when those lights are visible from Raven Run. The lights from this house would not affect the other 350-degrees available in the sky for star-gazing activities, as the actual impact of this one home would be minimal.

Mr. Griggs asked if the Raven Run Board had had an opportunity to issue comments on this proposal as of yet. Mr. Hancock replied that they had not, as they meet on the 3rd Wednesday of each month, except in December. He said that his staff had notified the Board members by e-mail, but they had not heard back from the Board members. However, the Friends of Raven Run had expressed no objections whatsoever.

Mr. Griggs said that the building's height is measured to the mid-gable, and if it were to have a 12/12 roof pitch, the total height of this residence could be 82'. He said that the trees around it were only about 40'-50' tall. He displayed a photograph of Ward Hall that appeared in the local newspaper a few days earlier. It was located 12 miles from Lexington, and was considered a classic home. He identified the following passage from the article:

"Architectural historians have described it as Kentucky's finest home - one of the grandest Greek Revival houses outside of the Deep South, and among 20 or so best mid-19th Century buildings left in America."

Mr. Griggs said that Ward Hall measures 75' by 75, so it is basically the same size as the proposed structure. He said that Ward Hall is only 41' in height, to its ridge. He said that the proposed structure is to be nearly twice as tall as Ward Hall. He viewed this request as precedent-setting, and that it would diminish the experience of visitors to the Raven Run Sanctuary, especially to the astronomy field, as he thought it would be greatly illuminated. He was very worried about this proposal.

Mr. Brooks said that the windows on the structure will only be up to about 35' in height. Thus, the proposed house is not that much different than Ward Hall. There is a dome proposed in the central part of this building, but the light spillage potential would not be much different.

Mr. Francis Terry, Francis Terry Architects, said that he was the building's design architect, and that he did not focus upon the regulatory constraints for the building. Instead, his aim was for a structure that would be truly beautiful. His client wanted to make the farm a beautiful estate, and Mr. Terry said that this building would be the final piece of that plan. The alternative would be for a home that is low, or to construct a series of structures. He said that the regulations "conspire against doing a beautiful house." He said one could design a massive low building, for which there are one hundred local examples. He wanted to focus upon a classical home, and those are not usually low and sprawling. In retrospect, he thought it might have been a problem to design it without considering the regulations, but he wanted to be free to make it as beautiful as possible, although this is certainly a different approach. He thought this would be a beautiful estate with an incredibly beautiful home in the middle of it.

Mr. Terry thought that the star-gazing issue would not be an issue, as the windows on the tallest part of the home are the smallest, and would be used the least. He said that even some agricultural buildings consist of very tall barns.

Vice-Chair Moore asked if the Board should consider imposing a restriction upon the height of windows for this structure. Mr. Griggs stated that he was more concerned about the five findings proposed by the staff,

as he did not agree with any of the five findings. He could not think of such a height variance being granted by the Board over the past ten years, and was not sure the staff could identify one either. He worried that approval of this variance would be precedent setting.

At this time, an elevation of the proposed residential structure was displayed on the overhead projector.

Citizen Comments – Mr. Billy Van Pelt, Purchase of Development Rights Program, spoke in support of this request. He said that he had driven on this road for many years. He commented that the recent improvements that have been made to this farm are significant. The owner had greatly improved the scenic view shed from Jack's Creek Pike, and has improved the farming infrastructure. He said that there were a number of PDR conservation easements in the area, including one across the road that had made significant investments.

Mr. Van Pelt asked the Board to also consider the distance this residence would be set back from the road. At over 1,500 feet, this shouldn't have any impact on the scenic view shed. Regarding the potential for light impacts to Raven Run, he said that there is a tower on Castleton-Lyons Farm on Mt. Horeb Pike at Iron Works Road that is illuminated in various shades of light, depending upon the racing colors used by the farm's guests and visitors. There has been no impact to the farms with conservation easements in that area, and he noted that that tower is much taller than 65' in height.

Mr. Van Pelt said that, speaking from the standpoint of the Rural Land Management Plan and the Purchase of Development Rights Program, this request would have no adverse impact to the rural area, and he was in support of this request.

Mr. Michael Lorton, Natural Areas Manager for the LFUCG Division of Parks & Recreation, spoke about the star-gazing impacts of this request. He said that the location of the house is in the direction of The Bull subdivision in Madison County from Raven Run. He said that the star-gazing program does not view the stars in that direction from Raven Run, because there are so many lights in that direction. He also noted that the former farm owner, Mr. Prather, had several low security lights that also impacted the viewings. He said that they switched their viewing to the north, to avoid the lights of Richmond and Lexington, and he didn't feel this house's location would impact that nighttime activity.

Mr. Lorton said that the new owners have also told Raven Run that if lights from the home were a problem for the star gazers, then with only a phone call, they would agree to turn out their lights. Mr. Lorton said that with this, they did not view the height of this home to be a problem for their facility. The star-gazing is done only about seven nights each year, and not on cloudy nights, for obvious reasons. He said that hikers in Raven Run would be unaffected by this home, as their attentions are directed to and from the visitors' center.

Mr. Van Pelt added that Spindletop Hall, a home that has been in our community for over 75 years, is about 50' in height.

Ms. Elizabeth Goth, the owner of the subject property, also known as Locuston Farms, addressed the Board. She said the height variance was important to her. She said she had been a resident in Washington County, Kentucky since 1996. She said she worked with underprivileged children in the elementary schools there. She said that she is the main benefactor of New Pioneers for a Sustainable Future, which ensures that Washington County is Kentucky's first sustainable "green" county.

Ms. Goth said that her goal has always been to be a good member of the communities in which she has lived. She said that while this might be precedent setting, this is also an opportunity to construct one of the finest buildings in the state. She said that there is a combination of beauty and art in the elevation shown on the overhead projector, reflected in the beauty of this landscape. She felt fortunate to have such esteemed architects working on this project. She hoped to oversee her equine and cattle operations on the farm from this house.

Ms. Goth said that when she first learned that the home fell under a zoning height restriction, she stopped their planning for the structure, and made an application to the Board. She asked the Board to approve the height variance, for the reasons outlined at this hearing.

As to the issue of light pollution, Ms. Goth told the Board that her father was an amateur astronomer, and she grew up star-gazing with him. She had made trips to Peru with her father to view comets, and she considered herself a "keen star-gazer" as well. She said that she wanted the folks at Raven Run to call

her if her lights were ever a problem or nuisance.

Ms. Goth said she also wanted to be a good citizen in Fayette County. She said that granting the requested height variance would allow her to do so.

Mr. Jack Downs, resident on Jack's Creek Pike, said that he and his wife were the only residents of the area that would be able to view the proposed residence from their home. He said that Ms. Goth had already made a tremendous difference in what he and his wife see directly across the road from their residence. Mr. Downs said that they no longer view dead trees and rundown fences; but, instead they now view a beautiful Central Kentucky farm. He said that Ms. Goth has an acquaintance that has bought farmland on the other side of their property, and they are now surrounded by two owners that have improved their fencerows and properties. He said that the area is so different, and so much nicer than it used to be. He said that visitors to their home have commented on the positive changes that have recently taken place in this area. He said that he would be glad to see the tall residence now proposed across the street.

Mr. Brooks commented on the potential for a precedent with this appeal. He said that the precedent for thoughtful and careful design should be the most positive result from this project. He said that this home would be the Ward Hall in 100 years, or revered like Spindletop Hall a century from now, as this home would be built in accordance with classical architecture. If there is a precedent set with this appeal, he hoped it would be a positive one to promote building with better architecture.

Mr. Stumbo said that he understood his colleague's concerns, but felt that they had been addressed. He said that he felt that there had been a serious investment made by the appellant on this farm, and that this was a magnificent property. He said that there is not any opposition to this appeal, even from the neighbor across the street.

Action – A motion was made by Mr. Stumbo, seconded by Mr. Glover and carried 5-1 (Griggs opposed, White absent) to approve **V-2012-85: ALT 32 ARCHITECTURE/DESIGN** – an appeal for a variance to increase the maximum allowable height for a single-family residence from 35 feet to 65 feet in the Agricultural Rural (A-R) zone, at 5898 & 6174 Jacks Creek Pike for the reasons provided by the staff, and subject to the three conditions set forth by the staff.

E. Conditional Use Appeals

1. **C-2012-81: MILES NOLAND** – appeals for a conditional use permit to establish an athletic club facility in a Light Industrial (I-1) zone, at 451-C Chair Avenue. (Council District 3)

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties, as this site is well suited for a small fitness center, where the peak hours of operation will be in the early mornings and evenings after normal business hours, which will reduce the potential for lack of parking availability.
- b. All necessary public facilities and services are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The proposed athletic club facility (fitness center/personal training) will be operated in accordance with the submitted application and site plan.
2. The applicant shall obtain a Zoning Compliance Permit and Certificate of Occupancy from the Divisions of Planning and Building Inspection prior to operating an athletic club facility at this location.

Representation – Mr. Miles Noland was present for his appeal. Vice-Chair Moore asked if Mr. Noland had read the staff report, and if he had any questions about the report. Mr. Noland replied that he had, and that he had no questions about it. Vice-Chair Moore asked Mr. Noland if he would agree to abide by the two conditions recommended by the staff for this use. Mr. Noland once again replied affirmatively.

Citizen Comments – There were no citizens present to comment on this appeal.

Action – A motion was made by Ms. Meyer, seconded by Mr. Griggs and carried unanimously (White absent) to approve **C-2012-81: MILES NOLAND** – an appeal for a conditional use permit to establish an

athletic club facility in a Light Industrial (I-1) zone, at 451-C Chair Avenue as recommended by the staff and subject to the two recommended conditions.

2. **C-2012-82: COMMONWEALTH CREDIT UNION** – appeals for a conditional use permit to construct a bank drive-through in a Professional Office (P-1) zone, on a portion of 2540 Sir Barton Way. (Council District 6)

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties, which are either vacant or have existing or future office buildings that have been incorporated into the overall development of the Sir Barton Way Office Park. The final design of the facility will be subject to review and approval by the Division of Traffic Engineering.
- b. All necessary public facilities are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The drive-through facility shall be constructed in accordance with the submitted application, and a revised site plan indicating a pedestrian connection from the sidewalk along Sir Barton Way and the future Sanford Way to the bank, or as amended by the Planning Commission via a Final Development Plan.
2. All necessary permits, including a Zoning Compliance Permit and a Certificate of Occupancy, shall be obtained from the Divisions of Planning and Building Inspection.
3. The final design of the facility shall be subject to review and approval by the Division of Traffic Engineering.

Representation – Mr. Matt Carter, Vision Engineering, was present on behalf of the appellant. Vice-Chair Moore asked if Mr. Carter had read the staff report, and if he had any questions about the report. Mr. Carter replied that he had, and that he had no questions about it. Vice-Chair Moore asked Mr. Carter if he would agree to abide by the three conditions recommended by the staff for this use. Mr. Carter once again replied affirmatively.

Citizen Comments – There were no citizens present to comment on this appeal.

Action – A motion was made by Mr. Stumbo, seconded by Mr. Glover and carried unanimously (White absent) to approve **C-2012-82: COMMONWEALTH CREDIT UNION** – an appeal for a conditional use permit to construct a bank drive-through in a Professional Office (P-1) zone, on a portion of 2540 Sir Barton Way as recommended by the staff and subject to the conditions set forth by the staff.

3. **C-2012-83: BURCHFIELD & THOMAS, INC.** – appeals for a conditional use permit to construct an addition to an existing church in the Agricultural Rural (A-R) zone, at 3245 N. Cleveland Road. (Council District 12)

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. The location of the addition is to the rear of the existing church, and is not readily visible. Additionally, there is adequate off-street parking for the use of the fellowship hall and storage building.
- b. All necessary facilities and services are available and adequate for the proposed use, provided the septic system is determined to be adequate for the proposed expansion.

This recommendation of approval is made subject to the following conditions:

1. The site shall be developed in accordance with the submitted application and a revised site plan as noted below.
2. All necessary permits shall be obtained from the Divisions of Planning and Building Inspection prior to construction and occupancy of the building.
3. The septic system shall be inspected by the Fayette County Board of Health to determine its adequacy relative to the proposed construction & expanded use of the building.
4. A Land Disturbance Permit shall be obtained from the Division of Engineering prior to construction.
5. Between the parking lot and North Cleveland Road, landscaping is to be installed which meets the requirements of Article 18 of the Zoning Ordinance.

6. As a minimum, the site plan shall be revised and submitted to the Division of Planning prior to the issuance of a Zoning Compliance Permit so as to correct and clarify these items:
 - a. Clarify site statistics to document the existing church and parish house as of 1996, and as proposed with this application. The applicant will be allowed up to a total of 5,000 square feet of floor area expansion with this revision.
 - b. The paved areas and parking design shall be corrected, and reviewed by the Division of Traffic Engineering. A minimum of 49 parking spaces shall be provided. Any additional pavement necessary to accommodate these parking spaces shall be clearly shown on the plan and subject to all applicable provisions of the Zoning Ordinance regarding landscaping, drainage, and parking lot design.
 - c. The pastor's residence, which has been demolished, shall be documented in the revised site statistics, and the building will be removed from the face of the site plan.
 - d. Existing trees and proposed landscaping shall be shown on the site plan.

Representation – Mr. Randy Thomas was present for their appeal. Vice-Chair Moore asked if Mr. Thomas had read the staff report, and if he had any questions about the report. Mr. Thomas replied that he had, and that he had no questions about it. Vice-Chair Moore asked Mr. Thomas if he would agree to abide by the conditions recommended by the staff for this use. Mr. Thomas once again replied affirmatively.

Citizen Comments – There were no citizens present to comment on this appeal.

Action – A motion was made by Mr. Glover, seconded by Ms. Meyer and carried unanimously (White absent) to approve **C-2012-83: BURCHFIELD & THOMAS, INC.** – an appeal for a conditional use permit to construct an addition to an existing church in the Agricultural Rural (A-R) zone, at 3245 N. Cleveland Road for the reasons recommended by the staff and subject to the six conditions listed on the agenda.

F. **Administrative Appeals**

1. **AV-2012-84: JOY and ANDREW MOORE** - appeal for an administrative review to consolidate two legal non-conforming uses into one legal non-conforming use; and a variance to increase the allowable driveway width from 10 feet to 18 feet within the defined Infill & Redevelopment Area, in a Two-Family Residential/Historic Overlay (R-2/H-1) and a Neighborhood Business/Historic Overlay (B-1/H-1) zone, at 407 & 411 S. Mill Street (Council District 3).

The Staff Recommends: Approval of the Administrative Appeal, for the following reasons:

- a. Granting the requested change from two non-conforming uses to one non-conforming use will lessen the overall non-conformity of these properties. Additionally, the renovated structures will be of slightly less floor area, volume, and footprint than the existing portion of the structure that is to be removed.
- b. The proposed renovations would not be detrimental to the possible future use of this structure as a business or office.

The Staff Recommends: Approval of the Variance, for the following reasons:

- a. A modest increase in the width of this driveway should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity. Conversely, approval of this variance will positively improve public safety by increasing the visibility of passing vehicles by drivers using this driveway, which is currently constrained by the adjacent property's non-conforming structure.
- b. The existing development pattern in this block of small residential lots and neighborhood businesses, and the configuration of the existing non-conforming structures in this historic neighborhood, are special circumstances that contribute to justifying the increase in the maximum driveway width.
- c. Strict application of the Zoning Ordinance would require that the driveway be designed in such a way that may not be conducive to the redevelopment of this property into one single family residential property, which will reduce the overall existing non-conformities of this property.
- d. The appellant is making a reasonable effort to adaptively re-use an existing building in the midst of a historic, mixed-use neighborhood. The wider driveway is needed to accommodate the requested remodel, and there is no indication that an effort is being made to circumvent a requirement of the Zoning Ordinance.

These recommendations of approval are made subject to the following conditions:

1. The remodeling shall be done in accordance with the submitted application and site plan, or as amended by the Board of Architectural Review.
2. All necessary permits, including a Grading Permit, Building Permit, Certificate of Appropriateness, and Certificate of Occupancy shall be obtained by the applicant from the Divisions of Building Inspection and Historic Preservation.
3. The two properties shall be consolidated prior to the issuance of a building permit for the addition between the two homes.
4. The garage shall be modified to meet the requirements of Article 15-6(3) of the Zoning Ordinance.

Representation – Mr. Andrew Moore was present for his appeal. Vice-Chair Moore asked if Mr. Moore had read the staff report, and if he had any questions about the report. Mr. Noland replied that he had, and that he had no questions about it. Vice-Chair Moore asked Mr. Moore if he would agree to abide by the conditions recommended by the staff for this use. Mr. Moore once again replied affirmatively.

Mr. Emmons stated that the staff had received two letters of support for this appeal – one from the nearby Neighborhood Association and the other from a nearby resident. He then circulated those letters to the Board members.

Citizen Comments – There were no citizens present to comment on this appeal.

Action – A motion was made by Mr. Griggs, seconded by Mr. Stumbo and carried unanimously (White absent) to approve **AV-2012-84: JOY and ANDREW MOORE** – an appeal for an administrative review to consolidate two legal non-conforming uses into one legal non-conforming use; and a variance to increase the allowable driveway width from 10 feet to 18 feet within the defined Infill & Redevelopment Area, in a Two-Family Residential/Historic Overlay (R-2/H-1) and a Neighborhood Business/Historic Overlay (B-1/H-1) zone, at 407 & 411 S. Mill Street based upon the staff recommendation, and subject to the four recommended conditions.

IV. **BOARD ITEMS** - The Chair announced that any items a Board member wished to present would be heard at this time.

- A. Election of Officers – Vice-Chair Moore suggested that the Board delay consideration of the election of officers until the January meeting. Mr. Stumbo asked if the By-laws require the Board to elect officers in January. Mr. Sallee replied that the by-laws do require this of the Board every January.

V. **STAFF ITEMS** - The Chair announced that any items a Staff member wished to present would be heard at this time.

- A. Mr. Sallee stated that the Board is required by KRS 100 to achieve a certain number of hours of training over each two-year period. He was pleased to report that all members of the Board, with the exception of Mr. Smith, who is a new member, had attained the required training in 2011 & 2012.
- B. Mr. Sallee said that the Staff would like to wish the Board members and their families a happy and safe Christmas and New Year holiday.

VI. **NEXT MEETING DATE** - The Chair announced that the next meeting would be held on January 25, 2013.

VII. **ADJOURNMENT** – Since there was no further business, the Chair declared the meeting adjourned at 1:36 PM.

Kathryn Moore, Vice-Chair

James Griggs, Secretary